



ILLINOIS COMMERCE COMMISSION

Richard L. Mathias
Chairman

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February 8, 2000

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Ms. Wendy R. Dixon, EIS Project Manager
Yucca Mountain Site Characterization Office
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
P.O. Box 30307, M/S 010
North Las Vegas, Nevada 89036-0307

Dear Ms. Dixon:

Enclosed is the statement of position of the Illinois Commerce Commission respecting the Department of Energy Draft Environmental Impact Statement for a geologic repository of the disposal of spent nuclear fuel and high-level radioactive waste at Yucca Mountain, Nye County, Nevada.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard L. Mathias".

Richard L. Mathias
Chairman

Enclosure

**STATEMENT OF POSITION OF
THE ILLINOIS COMMERCE COMMISSION RESPECTING
THE DEPARTMENT OF ENERGY DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR A GEOLOGIC REPOSITORY FOR THE DISPOSAL OF
SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE
AT YUCCA MOUNTAIN, NYE COUNTY, NEVADA**

The Illinois Commerce Commission respectfully submits this statement of position regarding the Department of Energy's ("DOE") Draft Environmental Impact Statement ("DEIS") regarding the Yucca Mountain radioactive waste disposal facility.

The Illinois Commerce Commission is responsible for regulation of aspects of the telecommunications, electricity, natural gas, and water industries in Illinois as well as various public safety issues in the transportation industry.

Illinois is the home of 14 commercial nuclear reactors, three of which are retired and awaiting decommissioning and disposal of their Spent Nuclear Fuel ("SNF") before those sites can be released for other productive use. In accordance with the Nuclear Waste Policy Act of 1982 ("NWPA") and waste disposal contracts with DOE, utilities must make payments to reimburse the federal government for the costs of disposing of the SNF that the utilities generate. These costs are passed on to the utilities' customers who receive the benefit of the electricity generated by the nuclear units. Illinois ratepayers have contributed significantly at the rate of 1 mill per kilowatt hour towards the Nuclear Waste Fund ("NWF") for the removal and permanent disposal of all SNF and, absent regulatory changes, will continue to pay. As of September 30, 1999, (the most recent date that figures are available) the total amount paid by Illinois ratepayers, with interest, towards the NWF is over \$2.1 billion.

The Illinois Commerce Commission relies on the expertise of DOE to provide the details of the repository design, the Nuclear Waste Technical Review Board to provide impartial oversight of the program, and the Nuclear Regulatory Commission to protect the public health and safety. Thus, our comments focus on the policy decision to continue development of the repository at Yucca Mountain and the impact that this decision has on Illinois ratepayers.

1...

The Illinois Commerce Commission strongly urges DOE to move forward with the Yucca Mountain Project. The December 1998 DOE Viability Assessment indicated that there were "no show stoppers" that would stand in the way of developing a repository at Yucca Mountain. We believe that DOE has demonstrated to date that Yucca Mountain is a favorable location for the development of a deep geologic repository for the following reasons:

- The dry climate is favorable.
- The geology and hydrologic conditions are right.
- The population in the immediate area is sparse.
- The site is already owned or under the control of the federal government.

2

DOE has furnished sufficient data on transportation alternatives so that "generic" analyses can be made. It is not necessary at this point to become involved in discussions regarding specific transportation routes since DOE and the States will develop routes when the go/no go decision is made for the repository. DOE should be aware that the Illinois Commerce Commission shares and supports the concerns expressed in comments you will receive from the Illinois Department of Nuclear Safety.

3...

The Illinois Commerce Commission emphasizes that the "No Action" alternatives in the DEIS are unacceptable. Scenario 1 involves long-term storage of spent nuclear fuel and high-level radioactive waste at the current sites with effective institutional control for at least 10,000 years. Scenario 2 also involves long-term storage, but with no institutional controls after approximately 100 years. Under either scenario, the "No-Action" alternative is not supportable in light of the facts developed by DOE and is simply not acceptable for the following reasons:

...3

First and foremost, Illinois ratepayers have paid for removal and permanent disposal by DOE and it is time for DOE to fulfill the requirements of the NWPA and their waste disposal contracts.

4

The "No Action" alternative is not consistent with the NWPA, which requires DOE to dispose of high-level radioactive waste in a geologic repository. Permanent disposal of spent nuclear fuel at a central site in a geologic repository is clearly more efficient, more cost-effective, and more environmentally benign than 77 storage sites (72 commercial sites and 5 DOE sites) scattered across the nation.

5

The "No Action" alternative leaves the waste in storage facilities at reactor sites that were never intended to become permanent storage sites. Although on-site dry cask storage has been determined by the NRC to be safe for a limited amount of time, waste should not be stored on-site indefinitely. There are 11 active commercial nuclear reactors in Illinois and 3 retired commercial reactors. These sites are all near major population centers and/or Illinois waterways.

6...

The "No-Action" alternative is exorbitantly expensive under Scenario 1 and

...6 | poses unacceptable public health risks under Scenario 2. Scenario 2 could result in a monumental environmental disaster of historic proportions--eventually leaving much of northern and central Illinois uninhabitable and major water sources (i.e. Lake Michigan, the Illinois River, and the Mississippi River) contaminated.

...1 | DOE has provided no evidence to suggest that spent nuclear fuel cannot be safely moved to the Yucca Mountain site. The Illinois Commerce Commission concurs with the Secretary of Energy that a geologic repository should be developed on the basis of "sound science." | DOE's analysis in the DEIS demonstrates that the federal government is adequately studying the science and is sufficiently examining the impacts that a geologic repository at Yucca Mountain may have on the environment. |
7 |
8 | DOE needs to get the spent fuel moving and avoid further unnecessary and duplicative costs to Illinois ratepayers.